

Introduced by Senator Murray

March 16, 2004

Senate Resolution No. 33—Relative to the Los Angeles County Metropolitan Transportation Authority.

1 WHEREAS, The Los Angeles County Metropolitan
2 Transportation Authority (MTA) was the subject of a class action
3 lawsuit brought by the Labor/Community Strategy Center, Bus
4 Riders Union (BRU) and others in 1994 alleging that the MTA had
5 neglected the operation and improvement of its bus system in favor
6 of building and expanding its rail system; and

7 WHEREAS, The MTA and the BRU, the court-recognized class
8 representative for bus riders, agreed to a settlement of the lawsuit
9 in 1996 before the case went to trial. This settlement became
10 known as the consent decree, and the decree contained specific
11 actions to be taken by the MTA over the following 10 years to
12 improve bus service, including the reduction of overcrowding on
13 buses, implementation of additional or improved service to
14 provide better access to schools, jobs, and health care facilities for
15 persons dependent on transit, and the maintenance of affordable
16 fares; and

17 WHEREAS, Bus passenger load factor targets were established
18 as part of the consent decree to reduce bus overcrowding,
19 necessitating the purchase of additional buses by the MTA and
20 changes in bus system routes, services, and operations; and

21 WHEREAS, The number of additional buses needed to meet the
22 improved service requirements and reduced bus load factors has
23 been in dispute since 1998 when the lawsuit plaintiffs proposed
24 that at least 606 new buses were needed while the MTA countered

1 that 160 buses were sufficient, with the dispute being appealed in
2 1999 to the special master overseeing the implementation of the
3 consent decree, who concluded that a total of 483 new buses were
4 needed; and

5 WHEREAS, The MTA challenged the decision of the special
6 master, asking for reconsideration of the decision and this
7 reconsideration subsequently resulted in a determination by the
8 special master to reduce the number of additional buses to 432
9 (comprised of 248 new buses and 113 new buses, respectively, to
10 meet two specified load factor targets plus 71 spare buses), a
11 determination also challenged by the MTA in an appeal to United
12 States District Court Judge Terry Hatter, who affirmed the special
13 master's determination that the immediate purchase of 248 buses
14 was necessary to meet a specified load factor to resolve
15 "insufficient capacity" violations by the MTA. Judge Hatter's
16 decision was further appealed by the MTA to the Ninth Circuit
17 Court of Appeals but the appeal was unsuccessful; and

18 WHEREAS, The MTA in 2002 voted to appeal the consent
19 decree to the United States Supreme Court but the hearing was
20 refused and the earlier rulings were thereby upheld, and this
21 judicial decision was followed by an evaluation of the MTA's
22 performance in meeting load factor targets and reducing
23 overcrowding; and

24 WHEREAS, On January 12, 2004, the special master
25 overseeing the consent decree directed the MTA to move
26 expeditiously to expand service and remedy exceedences of bus
27 load factor targets (overcrowding), including the purchase of the
28 vehicular equivalent of 145 new buses to be placed in service not
29 later than December 2005; and

30 WHEREAS, The board of directors of the MTA has continued
31 to appeal the decisions of the special master and the courts that
32 require the MTA to reduce overcrowding on its buses and abide by
33 the terms of the consent decree, including the board's February 2,
34 2004, decision to pursue a limited appeal of the January 12, 2004,
35 order of the special master, contending that the authority can
36 provide the necessary units of bus service with fewer than the 145
37 buses through more efficient scheduling of its existing buses; now,
38 therefore, be it

39 *Resolved by the Senate of the State of California*, That the Los
40 Angeles County Metropolitan Transportation Authority should

1 abandon its current challenge and refrain from any subsequent
2 appeals of the consent decree or the findings and orders of the
3 special master or the courts with regard to the implementation of
4 the consent decree to improve and expand bus service and thereby
5 reduce overcrowding on the authority's buses; and be it further

6 *Resolved*, That the MTA is requested to take all necessary
7 actions to fully implement the terms of the consent decree at the
8 earliest possible date in order that bus service improvements are
9 realized sooner and maximized for the benefit of bus riders within
10 the service area of the authority; and be it further

11 *Resolved*, That the Secretary of the Senate transmit copies of
12 this resolution to each member of the board of directors of the
13 MTA.

